

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CAESAR WHITE, JR.,

Plaintiff,

vs.

WILFRED BRIAN STEWART, *et al.*,

Defendants.

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CIV. ACT. 1:23-cv-435-TFM-MU

MEMORANDUM OPINION AND ORDER

On March 19, 2024, the Magistrate Judge entered a Report and Recommendation which recommends the Motion for Partial Dismissal (Doc. 28) filed by Defendant Boost Carriers be granted and that any claim in Count II of Plaintiff's Amended Complaint for respondeat superior liability based on more than negligence be dismissed without prejudice. *See* Doc. 32. No objections were filed and the deadline has passed.

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of this Court. It is **ORDERED** that the motion for partial dismissal filed by Defendant Boost Carriers is **GRANTED**. Any claim in Count II of Plaintiff's Amended Complaint for respondeat superior liability based on more than negligence is **DISMISSED without prejudice**.

DONE and ORDERED this 10th day of April, 2024.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE